



The largest alliance of U.S.-based international nongovernmental organizations focused on the world's poor and most vulnerable people.

April 23, 2018

An Open Letter to the Congress concerning Foreign Agent Registration Act

Dear Members of the U.S. House of Representatives and U.S. Senate:

The undersigned members and partners of InterAction wish to bring to your attention concerns our broad community has concerning the Foreign Agent Registration Act (FARA). With renewed attention on how foreign governments are influencing U.S. political processes, it is understandable that Members of Congress are looking to bolster enforcement of FARA and are introducing legislation to update the law. As you debate such changes, we urge Members of Congress to consider clarifying and updating language, terminology, and definitions contained within FARA that adversely impact our community.

The current law was first enacted in 1938. In the decades since, many non-profit organizations have evolved and become international institutions with vast global networks. FARA's provisions are so sweeping though that if interpreted on their face, many non-profits could be covered by the Act. For example, a U.S. non-profit that simply acted at the request of an international partner organization to hold a public meeting on a policy issue would arguably have to register as would an organization that solicited funding in the U.S. for an educational non-profit abroad, despite no connection to a foreign government or political party.

FARA was not written with our contemporary inter-connected non-profit world in mind. FARA's broad definition of "foreign principal" currently includes not just foreign governments, but also foreign individuals, foundations, nonprofits, companies, or other entities. Under the Act, one can become an "agent" of a foreign principal not just by acting under a foreign principal's "direction or control," but simply at their "request," and covered activity includes engaging in advocacy of any kind or soliciting or dispensing funds in the interests of a foreign principal. The exemptions to these broad provisions in FARA are relatively narrow.

The globalization of non-profits will only continue, and we find this sweeping language outdated, burdensome, and, frequently, confusing. Furthermore, vague definitions open organizations to possible politicized enforcement actions and attack. U.S. non-profits and philanthropy are also impacted abroad by this loose language, as foreign governments point to FARA to justify their restrictive and controlling "foreign agent" laws that stigmatize non-profits and impede local civil society from working with international partners.

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We support Congress' wish to empower government enforcement of FARA in response to foreign governments efforts to destabilize democracy. We kindly ask Congress to ensure that it also safeguards an independent non-profit sector. Such steps would include updating the definition of an "foreign agent" and revising the definition of "foreign principal" under the Act. Without such revisions, we fear FARA's burden on non-profits will impede international development and humanitarian assistance and sever global networks that are changing the world for good at a time when better understanding and cooperation is greatly needed.

Thank you for your consideration of our request. If we can be of any service or can provide more information, please do not hesitate to contact Brian Wanko at bwanko@interaction.org.

Sincerely,

ACDI/VOCA
Action Against Hunger - USA
ADRA International
AKF USA
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Bethany Christian Services
Better World Campaign
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Global Health Council
Habitat for Humanity International
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